

REMARKS / ARGUMENTS

In the specification, paragraphs [0038], [0044] and [0055] have been amended to correct minor editorial problems. Paragraph [0044] has also been amended to add a sentence describing space 22a of FIG. 2; in terms identical to the sentence in paragraph [0042] describing analogous space 12a of FIG.1.

Claims 1-15, 17 and 18 remain in this application. Claims 16 and 19-23 have been deleted.

Applicant has carefully considered and appreciates the Examiners comments. The claims remaining as amended include important differences between applicant's invention and the disclosures in the Kroack reference. Manufacturing cost is a very important aspect to consider in weighing obviousness under 35 USC 103. Convenience, ostomate activity level, comfort, appearance, odor and sanitation all play a role in limiting the bag useful life (generally from less than one day to seven days). For the vast majority of those unfortunate enough to need the bags, and for the insurance companies, cost is indeed an extremely important issue. Commonly today, manufacturing ostomy bags involves heat-sealing patterned bag edges on continuous sheets of separate layers of bag material: (as viewed from the front of a bag wearer, the ostomist or ostomate) the front layer (the outer wall of the bag), the body side layer (i.e., the body side wall of the bag) and often a comfort layer. The first two layers are normally of the same material, except for the stoma opening and attachment device included in the body side layer (and, when present, the comfort layer). After or during the heat-sealing process the bag forms are cut from the sheets.

Applicant's invention, as noted in the specification (for example in paragraph [0041] of the published application) provides ostomy bags having significant versatility advantages with minimal added manufacturing costs. The cast molding of the Kroack bag would be comparatively extremely expensive. There is no suggestion in Kroack of separate seals for: (a) the bag upper extremity and (b) a versatile tube seal proximate to but separate from an bag upper extremity seal as provided in amended claim 1 (and as clearly shown in FIG.'s 1, 2, 3, 4 and others). The linear (narrow) seam 24 as depicted for Kroack does not invite any hint for separation of a parallel tube from the upper bag extremity. There also is no suggestion in Kroack of two generally equidistant, proximate seals, one for a tube and the other for the body upper extremity as identified in amended claim 2 and also clearly shown in several of the mentioned drawings. Conversely, Kroack, with its other tubes generally depicted at right angles to the bag edge, and its seamed connection, Kroack Fig. 7) teaches away from the concept of separating the distal portion of a parallel tube from the upper bag extremity. The

separation provided according to the present invention provides additional flexibility for the ostomist in selecting more available and less expensive attachment devices (for example, rubber bands) than Kroack device 21.

In view of the differences between applicant's invention as expressed in amended Claim 1, and the fact that Claims 2-8 depend directly or indirectly from Claim 1, applicant respectfully submits that Claims 1 through 8 should be considered allowable.

Claim 9, which also depends from Claim 1, and independent Claim 10 were objected to because of the use in each of those claims of the expression "less than firm connection." Applicant respectfully takes issue with the objection. However, both Claims 9 and 10 have been amended to accommodate the Examiner's objection to the phrase "less than firm connection", by substituting the phrase "separably connected" therefor. The terminology is fully supported in the originally filed application on page 16 (included in the published application in paragraph [0046]). In addition to describing in detail the variations possible, for example in the context of FIG.3, that portion of the specification states:

"For purposes herein releasably or separably connected seals and seals less than firmly connected shall mean a connection that has a clearly defined path of separating as would be necessary to avoid accidental rupture or weakening of vapor tight seals. For example, a clearly defined thinning in a wider than normal seal, a clearly indicated perforating of a sealed area (or between sealed areas), or even a widened seal area (or two closely adjacent seals) with a clearly defined path for separation would fit the definition of 'less than firm connection', of 'separably connected', and of 'releasably connected'." Further, please note that one common seal in commercial use for protection against bag separation at the seal is at least 1mm wide, while another is at least 3mm wide. Those skilled in the art would easily determine the seal width necessary, depending upon, for example, the specific chemical makeup and thickness of the bag walls. In any event, the width to be separated would be substantially wider than seam 24 of the Kroack disclosure. As another way of looking at it, how comfortable would an ostomist (an ostomy bag wearer) be in separating the upper extremity of the bag from the tube along seam 24 of the Kroack patent? How comfortable would the bag manufacturer be in recommending such a separation? Yes, there is some room for discussion as to the ideal width of a seal or separation between seals, but those skilled in the art deal with that sort of issue every time they manufacture bags from sheets while spacing the bags as close to each other as practical to minimize material waste. Kroack seam 24 definitely does not constitute a seam that could be interpreted as providing such a "clearly defined path for separating." that could result in two sealed edges. It is respectfully submitted that the "separably attached" description provided by applicant does provide a clear standard for determining the scope of the invention, and clearly distinguishes the claim from the Kroack reference. Thus, Claims 9 and 10 should

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also be considered allowable. Claims 11-14 depend from independent Claim 10 and, accordingly should also be considered allowable.

The Examiner has acknowledged that claims 15, 17 and 18 are directed to allowable subject matter and allowable if rewritten in independent form including all of the limitations of the base claim[s] and intervening claims. Applicant has endeavored to follow the Examiner's suggestion. Accordingly, Claims 15 and 17 have been rewritten as independent claims with Claim 18 depending from Claim 17. Claims 15, 17 and 18 should also now be considered allowable.

Claims 16 and 19-23 are cancelled.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. Holter", with a stylized flourish at the end.

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